IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20125 of 2004

Between:

1 Goli Venkataramana, S/o Seetharamaiah,
R/o D.No. 13/317,Near Old Bus Stand, Vempalli Village and Post,
Vempalli Mandal, Kadapa District.
2 Bachu Venugopal, S/o Rangaiah,
R/o Near Z.P. High School, Vempalli Village and Mandal,
Vempalli Mandal, Kadapa District.
3 K. Isaac Raja, S/o K. Narayanaswamy,
R/o Near Obulreddi Cotton Mills, Vempalli Village and Mandal,
Vempalli Mandal, Kadapa District.

..... PETITIONERS

AND

1 The Chief Executive Officer, Kadapa.
2 District Collector, Kadapa District.
3 The Mandal Revenue Officer, Vempalli Mandal, Kadapa District.
4 Gram Panchayat Vempalle, Rep. by Executive Officer/Panchayat Secretary,
Vempalli Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ, Order or Direction, especially in the nature of Writ of mandamus declaring the action of the 1st respondent in issuing the proceedings in Ref.No. 3141/A7/90, dt. 25-10-2004 directing the petitioners to vacate the premises/shops on or before 4-11-2004 situated at Vempalli Village, Vempalli Post and Mandal, Kadapa district, as illegal, without authority of law and violation of the fundamental rights of the petitioners and consequently set aside the same.

Counsel for the Petitioners:MR.T.V.S.KUMAR

Counsel for the Respondents 1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.4:None Appeared.

The Court, at the stage of admission, made the following :

ORDER

Petitioners, who are all claiming to be in possession of house properties bearing Door Nos.13/338, J26, J24 and J23, were served with notice dated 25.10.2004. Through the impugned notice, the first respondent called upon the petitioners to vacate the house sites on or before 4.11.2004 and failing to do so, necessary action would be taken for their due eviction. The impugned notice is offshoot of the orders passed in W.P.No.3037 of 2004 dated 20.2.2004 and in W.A.No.966 of 2002 dated14.7.2003. In W.P.No.3037 of 2004, by order dated 20.2.2004, this Court held that since the petitioners therein are claiming to be the owners of the property, without issuing necessary proceedings and intimating the action proposed, the petitioners shall not be evicted. In pursuance of the said orders, the present impugned notice has been issued.

Petitioners submitted their reply on 27.10.2004 pursuant to the impugned notice. In view of the same the respondents have to pass a speaking order with regard to the claim of the petitioners over the property in question and only on passing such orders and intimating the same to the petitioners, necessary action shall be taken. Till such orders are passed and communicated the same to the petitioners, the respondents shall not evict the petitioners from the property in question.

Accordingly, the writ petition is disposed of. No costs.

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A. GOPAL REDDY. J.

3rd November, 2004

tsr.

To

1 The Chief Executive Officer, Kadapa.
2 District Collector, Kadapa District.
3 The Mandal Revenue Officer, Vempalli Mandal, Kadapa District.
4 The Executive Officer/Panchayat Secretary,Gram Panchayat Vempalle, Vempalli Mandal, Kadapa District.

5. Two CCs to Government Pleader for Panchayat Raj & Rural Dev. ,High Court Buildings, Hyderabad. (OUT).

6 Two CD copies.